

Appln No. 09/826,435

Amdt date February 3, 2005

Reply to Office action of November 3, 2004

REMARKS/ARGUMENTS

The above identified patent application has been amended and reconsideration and reexamination are hereby requested.

Claims 1 - 10 are now in the application.

The Examiner has objected to the Drawings indicating that Figs. 1a - 1d should be labeled as prior art.

The Applicants have amended Figs. 1a - 1d accordingly.

The Examiner has requested that application serial numbers and filing dates, and status as appropriate, be updated in the Cross-Reference to Related Application(s) section of the Specification.

The Applicants have amended the Specification accordingly to add application serial numbers. Filing dates were not added since the applications being cross-referenced were filed concurrently with the present application, as noted in the first sentence of the Cross-Reference to Related Application(s) paragraph being amended.

The Examiner has objected to Claims 1 - 10 as needing a flow chart or flow diagram to clearly point out the method steps.

Accordingly, the Applicants have provided a new Fig. 98 with appropriate amendment of the Specification text to refer to the new figure. No new matter has been added. Fig. 98 is an overview of the receiver station frame encoding selection methodology in accordance with the invention claimed in independent claim 1. Given that dependent claims 2 - 10 essentially set forth parameters being operated upon and the calculations made thereto, the Applicants submit that new Fig.

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98, and the specification text, particularly that portion beginning on page 113, line 22, in and of itself adequately described the claimed invention such that one reasonably skilled in the art can practice the invention without undue experimentation. As such, the Applicants submit that a flow chart(s) pertaining to the dependent claims is not needed.

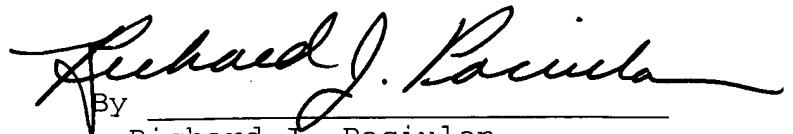
The Examiner has provisionally rejected Claims 1 - 10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 3 - 5, 7, 10 - 11 and 15 - 16 of co-pending application Serial No. 09/825,756.

The Applicants are submitting concurrently herewith a Terminal Disclaimer to overcome the obviousness-type double patenting rejection. Accordingly, the Applicants respectfully request that the provisional double-patenting rejection be withdrawn.

Therefore, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested.

Respectfully submitted,

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Amendments to the Drawings:

The attached in the Appendix hereto are:

replacement sheets of amended Figs 1(a) - 1(d), along with
annotated versions thereof, and

a new sheet of drawings depicting new Fig. 98 being added.

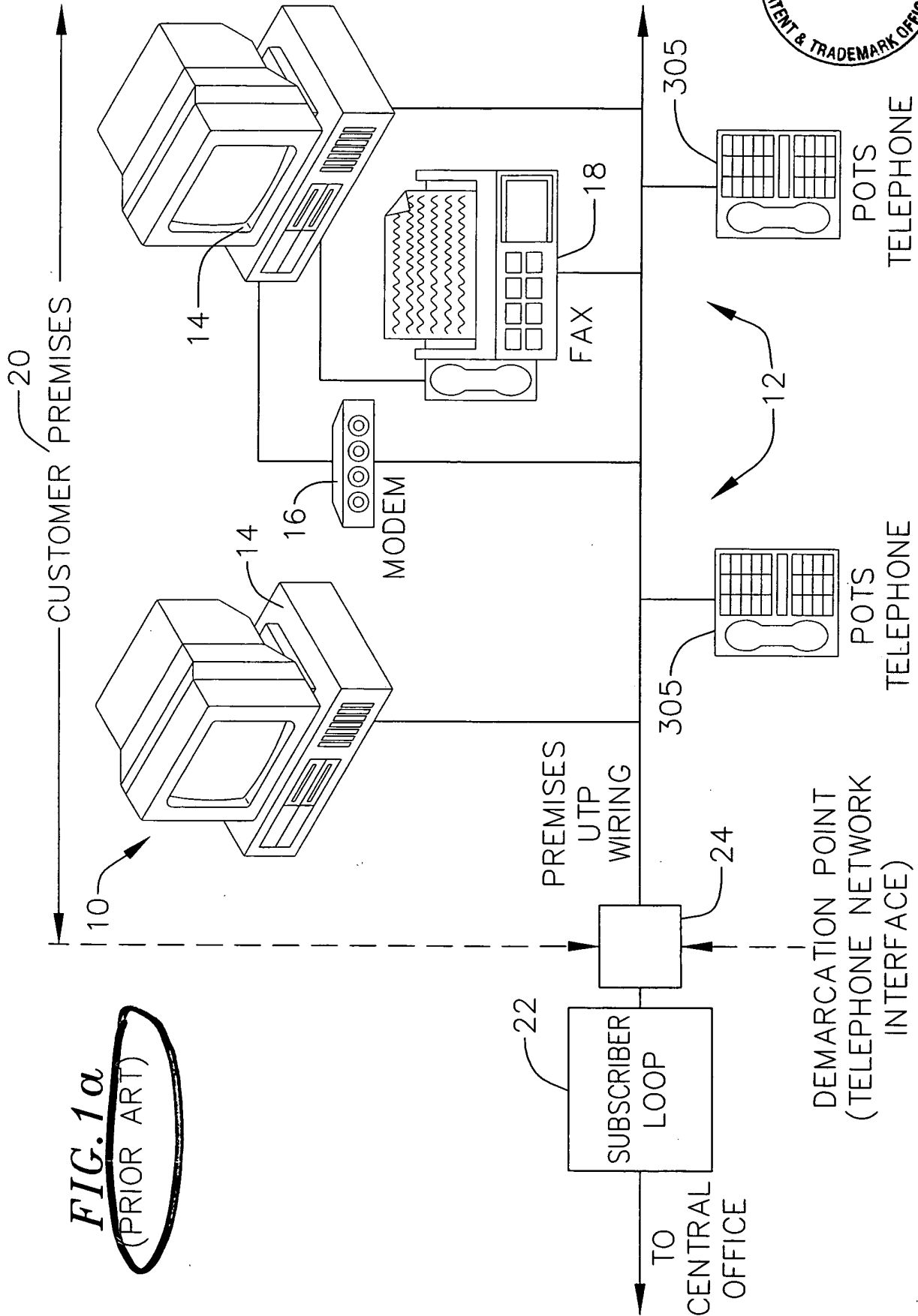
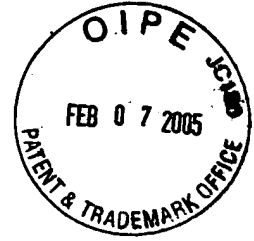


FIG. 1a
 (PRIOR ART)

